685

SUPREME COURT OF THE UNITED STATES.

No. 123.

THE UNITED STATES, APPELLANTS,

vs.

JUAN MARIA MARRON.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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GIDEON, Print.

Transcript of the proceedings in case No. 411—*Juan Maria Marron, claimant,* vs. *The United States, defendant—for the place named "Agua Hedionda."*

OFFICE OF THE BOARD OF COMMISSIONERS

To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-third day of October, anno Domini one thousand eight hundred and fifty- , before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Juan Maria Marron, for the place named "Agua Hedionda," was presented, and ordered to be filed and docketed with No. 411, and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Oct. 30th*, 1852.

In case No. 411, Juan Maria Marron, for the place named "Agua Hedionda," the deposition of Abel Stearns, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H.H, No. 1, and translation thereof annexed thereto, was filed.

(Vide page 4 of this Transcript.)

LOS ANGELES, *November 10th*, 1852.

In the same case, the deposition of S. Arguello, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked H.H, No. 1, annexed thereto, was filed.

(Vide page 5 of this Transcript.)

SAN FRANCISCO, *Sept.* 19, 1853.

Case No. 411 was called; on motion of the counsel for the claimants, ordered to the foot of the docket.

SAN FRANCISCO, *Oct. 22d*, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *Sept. 5th*, 1854.

Case No. 411 was ordered to be placed at the foot of the 2d class cases on the trial docket.

SAN FRANCISCO, *October* 14*th*, 1854.

In the same case, the deposition of Jesus Moreno, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *October* 17, 1854.

Case No. 411 was submitted on briefs, and taken under advisement by the board.

In the same case, the counsel for the claimant filed the following annexed petition and motion, to wit:

(Vide page 36 of this Transcript.)

Which having been considered was granted, and

Ordered, that the said petition be amended in accordance with the said motion.

SAN FRANCISCO, *October* 24, 1854.

In the same case, Commissioner Alpheus Felch delivered the opinion of the board, confirming the claim.

(Vide page 39 of this Transcript.)

And the following order was made, to wit:

(Vide page 43 of this Transcript.)

Petition.

To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Your petitioner, Juan Maria Marron, of the county of San Diego, in the State of California, respectfully represent to your honorable board, that he claims a certain tract of land ealled Agua Hedionda, containing three square leagues, more or less, situated in the county of San Diego aforesaid; that he claims the same in fee, by virtue of a grant made to him under the authority of the Mexican government, by Juan B. Alvarado, governor of the Department of Californias, bearing date the tenth day of August, one thousand eight hundred and forty-two.

Your petitioner would further represent, that judicial possession of said tract of land was given to him on the seventh day of October, one thousand eight hundred and forty-two, and the boundaries thereof designated and defined, and that he has been in the peaceable possession thereof ever since, and that he has no knowledge of any interfering claim.

Your petitioner presents herewith a certified copy of the grant of said land in the Spanish language, with a translation of the same and the certificate of judicial possession, and will make further proof of title, if required by the board.

Your petitioner prays your honorable board to take his claim to said tract of land, and decree his title to be valid and confirm the same; and as in duty bound, &c.

SUTHERLAND & CARR,
Att'y for Pet'r.

Filed in office, Oct. 23, 1852.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Abel Stearns.

LOS ANGELES, *Oct. 30th*, 1852.

On this day, before Com'r Hiland Hall, came Abel Stearns, a witness in behalf of the claimant, Juan Maria Marron, petition No. 411, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to questions by the claimant's counsel, the witness testified as follows:

My name is Abel Stearns; my age is fifty-four, and I reside in the city of Los Angeles; I have resided in California over twenty-three years.

I am acquainted with the handwriting of José Matias Moreno and Jesus Moreno.

A paper is now shown me purporting to be a certificate of José Matias Moreno, sec'y ad interim, dated 12th June, 1846, of the existence in the office of the secretary of California, of a certain title-paper therein copied. Said signature of Moreno I believe to be genuine. Said paper is hereto annexed, and marked H.H, No. 1.

I know the Rancho Agua Hedionda; it is in the county of San Diego, about three leagues from the mission of San Luis Rey.

I have frequently passed the rancho and stopped at the house since the year 1845.

I always found it occupied by Juan Maria Marron or his servants; he had a stock of cattle and horses and sheep on it. He was occupying it the past summer, when I was last there.

ABEL STEARNS.

Sworn and subscribed before me,
HILAND HALL, *Com'r.*

Filed in office, Oct. 30, 1852.
(Signed) GEO. FISHER, *Sec'y.*

Deposition of Santiago Arguello.

LOS ANGELES, *Nov.* 10, 1852.

On this day, before Com'r H. Hall, came Santiago Arguello, a witness in behalf of the claimant, Juan Maria Marron, petition No. 411, and was duly sworn, his evidence being interpreted by the secretary.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is Santiago Arguello; my age is sixty years, and I reside in San Diego.

A paper is now shown me purporting to be a testimonial of judicial possession to Juan Maria Marron, given in October, 1842. The signature of José A. Gougora, Jesus Moreno and José Ma. Alvarado, appearing on said paper, I believe to be genuine; I am acquainted with their signatures; said Gougora was acting as a justice of the peace in October, 1843. Said paper is hereto annexed, and marked H.H, No. 1.

I know the Rancho Agua Hedionda; it has been occupied by said Marron ever since the year 1839 or 1840, and is now occupied by him; he had a house on it, in which he lived; he had cattle and cultivated some of the land.

S. ARGUELLO.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office, Nov. 10, 1852.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of J. J. Warner.

OFFICE OF THE BOARD OF COMMISSIONERS, &c. &c.

This day, before Com'r Thompson Campbell, came J. J. Warner, a witness in behalf of claimant, Juan Maria Marron, No. 411, who after being duly sworn deposed as follows:

What is your name, age, and place of residence?

My name is J. J. Warner; I am forty-five years of age, and I reside at San Diego.

Do you know the rancho called Agua Hedionda; and if so, state all you know of its occupation by the grantee in this case?

I knew said rancho, I believe, as early as June, 1843; Marron was living upon it with his family; had an adobe house, corrals, cultivated fields, and a respectable stock of cattle and horses, and continued to occupy it up to the time of his death, in 1853; his family residing there during the summer and fall, and usually in San Diego during the winter. He has continued to occupy it in the same manner I have described he occupied it in 1843.

J. J. WARNER.

Associate law agent present.

Sworn to and subscribed before me, this 22d day of October, A. D 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office, Oct. 22, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Deposition of Jesus Moreno.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *Oct.* 14, 1854.

This day came before Peter Lott, a commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Jesus Moreno, a witness in behalf of the claimant, Juan Maria Marron, in case No. 411 on the docket of said board, and said witness being sworn deposed in Spanish, which was interpreted by the interpreter to said board, as follows:

The U. S. associate law agent present.

Questions by Judge Sutherland, Attorney for Claimant.

1st Question. What is your name, age, and residence?

Answer. My name is Jesus Moreno; my age 45 years; my residence in San Diego, California.

2d Question. Look at the document now shown to you, marked A. P. L., exhibited to this deposition and heretofore filed in this case, and state whether your name, wherever it appears as subscribed therein, is your own proper signature.

Answer. Yes; the several signatures of my name here are my own writing, done by me at the time possession of the land was given.

3d Question. Are you acquainted with the boundaries of the Rancho of "Agua Hedionda?" if yea, state what they are, and how you know them.

Answer. I know the boundaries; the place is bounded on the northerly side by the Punta del Tule and the skirt of the hills along the Cañada de Buena Vista, and on the northeasterly part by the Chamisal on the side of a hill; on the easterly side by the hill (Lomas) to the Batiquitas which is on the southeasterly part, where is planted a Maguey plant, and also by the Cañada de los Batiquitas; and on the south, or rather southwesterly, by the sea. There was a wooden cross placed to mark the boundary near the Punta del Tule. I know the boundaries because I saw them established at the judicial measurement.

4th Question. What quantity of land is embraced within these boundaries as described by you?

Answer. Three square leagues.

5th Question. State if you know of the death of Juan Maria Marron, the grantee; if yea, when did he die? And also state whether he left a widow and children; if yea, give their names.

Answer. Said Marron died Sept. 11th, 1853; he left a widow, who *are* still living; the widow's name is Felipe Asuma de Marron, and the children are José Cayetano, Juan Jesus, and Maria de las Luz.

Cross-examined by U. S. Associate Law Agent.

1st Question. State what is the shape of the rancho in question, and its average length and breadth.

Answer. It is nearly in a square form, a little longer one way than the other. It is about 4,000 varas in width, and in length, from Cañada de Buena Vista to the Cañada de los Salinas de los Batiquitas, about 2 or 2½ leagues.

2d Question. How were the boundaries measured at the judicial survey?

Answer. They measured them with a cord 50 varas long, riding round on horseback.

3d Question. Is your acquaintance with this family such that you can speak without doubt of the names of the children?

Answer. Yes; I was intimate with the family, and know the names of the children well.

4th Question. What is the length of the Cañada de Salinas de Batiquitas?

Answer. It may be about 3 or 4 leagues, more or less; it is quite a long cañada.

JESUS MORENO.

Subscribed and sworn to before me on this 14th day of October, A. D. 1854.

PETER LOTT, *Com'r, &c.*

Filed in office, Oct. 14, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Espediente promovido por el Ciud'o Juan Maria Marion, en solicitud del parage conocido con el nombre de Hagua Hedionda.

(295.)

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias:

Por cuanto el Ciudadano Juan Maria Marion ha pretendido para su beneficio personal y el de su familia el parage conocido, con el nombre de la Agua Hedionda, colindante con la Cañada de este nombre con el Mar, con el terreno llamado de Buena Vista, y con la Cañada de los Vatequilos; practicadas previamente las diligencias y averiguaciones consern'tes, segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en concederle la propiedad de el por las presentes letras, sujetandose á la aprobacion de la ex'ma junta departamental, y á las condiciones siguientes:

1a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres: lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo qe. mas le acomode, pero dentro de un año fabricará casa y estará habitado.

2a. Solicitara del juez respectivo ql. le de posecion juridica en virtud de este despacho por el cual se demarcaran, los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales, ó silvestres de alguna utilidad.

3a. El terreno de que se hace mencion es de tres sitios de ganado mayor, poco mas o menos, segun esplica el diseño q'l corre en el espediente respectivo.

El juez que diere la posecion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos q'l le convengan.

4a. Si contraviniere á estas condiciones perdera su derecho al terreno y será denunciable por otro.

En consecuencia mando q'e teniendose por firme y valedero este titulo se tome razon, de el en el libro respectivo, y se entreque al interesado pa. su resguardo y demas fines.

Dado en Monterey, á 10 de Agosto, de 1842.

S'or Prefecto:

Juan Maria Marion, vecino del pueblo de San Diego, ante V. S., con el debido respeto y con los terminos q'l me son concedidas, segun el derecho me presento y digo, q'l hase el tiempo de dos años q'l tengo pedido al gobierno departamental el parage de la Agua Hedionda y Batiquitos, q'l espresa el diseño q'e accompaño con espediente, y siendo la prefectura del cargo de V. S. el conducto por donde se debe dirigir al gobierno, todo ocurro ó peticion lo hago en la presente p'a que V. S. se sirva ocurir al gobierno pr. mis papeles, p'a de este mado sober si aterniendo algun estrabio p'a haser nuevo pedido; p'r aunque hase algun tiempo q'e en el referido parage tengo mis bienes de campo no puedo fabricar en el casa ni poner bienes de maices, y p'r esta razon quedo decir q'e aun no tengo segura la subsistencia p'a poder trabajar en el parage citado.

P. T., a V. S. suplico rendidamente se sirva decretar en justicia lo q'e fuere de su agrado. Jurando no ser de malicia sirviendose tanto admitir esta en papel comun por falta del sello q'e corresponde.

San Juan Capistrano, Julio 10, de 1841.

JUAN MA. MARION.

ANGELES, *Julio* 15, *de* 1841.

Elevese la presente solicitud á manos de E. S'or Gobernador del departamento, pa. que en su vista se sirva determinar lo que convenga en el particular.

ARGUELLO.
NARCISO BOTELLO, *S'rio.*

ANGELES, *Oct're* 1*o*, *de* 1839.

Informe el s'or juez de paz del puerto de Sn. Diego, sobre el convenido en esta instancia, y ruego pasé al s'or administrador de la mision de San Luis Rey, pa. ql. le haya en la parte ql. lo toque.

TAPIA.
NARCISO BOTELLO, *S'rio.*

Puerto de San Diego, 27 *de* 8*bre*, *de* 1839.

En vista del superior decreto de V. S., ql. antecede pa. ql. como alçalde de esta municipalidad informe sobre el terreno solicitado dire ql. el sobrante y el terreno mencionado, no esta comprendido en las veinte leguas limitrofes y diez litorales ql. espresa dicha ley el mencionado parage perteneciente ó la mision de San Luis, por tiempo é visto poner ganado menor.

Es cuanto tengo que decir. JUAN MARIANA.

S'or Prefecto del Segundo Distrito:

El ciud'o Juan Ma. Marion de esta vecinidad ante V. S., con el mas profundo respecto y como mejor haya lugar en derecho parese y dise, ql. hayandome dueño de un numero considerable de bienes de campo y careciendo de un terreno pa. su fomento y hasegurar pr. este medio la subsistencia de mi crecida familia, a S. V., suplico de digne concederme el parage conocido con el nombre de la Hagua Hedionda, perteniciente al rancho de la Mision de San Diego Rey, teniendo a bien consederme el parage de tres sitios de ganado mayor, dispensando no acompaño pr. ahora el correspondiente diseño ql. haré en otra vez.

Por tanto, a S. V., pido y suplico rendidamente de sirva aceder á mi en ql. recibiré gracia, teniendo á bien admiter en papel comun pr. falta del sellado ql. corresponde. Juno 4a.

San Diego, Octubre 5, de 1839.

JUAN MARIA MARRON.

San Luis Rey, *N'bre* 6, *de* 1839.

En vista del superior decreto de 1o de Oct'bre, ql. antecede digo ql. el terreno conocido con el nombre de Agua Hedionda pertenece á la mision de San Luis Rey, que dista del establecimiento tres leguas ql. govierno, si lo tuvien á bien puede cederlo al interesado con tal ql. las pudidan ql. deben estenderse no sean para el rumbo de la espresada mision.

PIO PICO.

Ex'mo S'or Gobernador:

La prefectura de este distrito impuesta de los informes ql. anteceden se que es de acederse á la solicitud del interesado, si asi fuere del superior de V. E., y bajo las terminos ql. espresa del s'or administrador de la mision de San Luis Rey, Dn. Pio Pico.

Angeles, Noviembre 12, de 1839.

TIBURCIO TAPIA.
NARCISO BOTELLO, *Secretario*.

Monterey, *Diciembre* 22, *de* 1839.

Vuelva este espediente al S'or Prefecto, para ql. informe si las medidas ql. demarca el adjunto diseño estan ó no comprendidas en las ter-

este nombre con el mar, con el terreno llamado Buena Vista, y con la Cañada de Los Vatequitas. Librese el correspondiente despacho tomese razon en el libro respectivo, y dirijase este expediente á la ex'ma junta, pa. su aprobacion el s'or gobernador, asi lo decreto y firmo.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office, and under my control, a portion of the archives of the former Spanish and Mexican Territory or department of Upper California, under and by virtue of the second section of the act of Congress, approved on the 3d day of March, 1853, providing for the survey of public lands in California, and for other purposes, do hereby certify, that the twelve preceding and hereunto attached pages of tracing paper, numbered from one to twelve, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit a true and accurate copy of a document on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and affixed my private seal, (in lieu of the seal of office, which has not been received,) at the city of San Francisco, Cal'fa, this 7th day of July, 1853.

SAM'L D. KING,
Surveyor General Cal'fa.

Filed in office, Oct. 17th, 1854.

GEO. FISHER, *Sec'y.*

Translation of Espediente.

Espediente had by Citizen Juan Ma. Marron, on application for the place known by the name of "Agua Hedionda."

(295.)

Juan B. Alvarado, Constitutional Governor of the Department of California:

Whereas Citizen Juan Ma. Marron has petitioned for his personal benefit and that of his family the place known by the name of "Agua Hedionda," bounded by the valley of this name, by the sea, by the tract called "Buena Vista" and by the Vataquitos valley; all the proceedings and investigations concerning thereto having been first had according to the requirements of the law and regulations in the premises; exercising the powers conferred upon me in the name of the Mexican nation, I have granted to the said Juan Ma. Marron the above mentioned tract of land, declaring to him the ownership thereof by these present letters, to be subject to the approval of the mt. hon'ble the departmental junta, and to the following conditions:

1st. He may enclose it without detriment to the passages, roads and easements; enjoy the same freely and exclusively, applying it to

such use or cultivation as may best suit him, but within one year he shall build a house and it shall be inhabited.

2nd. He shall apply to the proper officer to give juridical possession by virtue of this title, by whom the boundary lines shall be marked out, at the limits of which he shall place besides the landmarks some fruit or useful forest trees.

3rd. The tract of land whereof mention is hereby made is of three "sitios de ganado mayor," a little more or less, as shown in the plat attached to the espediente relating thereto.

The officer who may give the possession shall cause it to be measured according to ordinance, the surplus thereof to remain to the nation for such use as may best suit it.

4th. If he shall contravene these conditions he shall forfeit his right to the tract, and it shall be liable to be denounced by another.

Therefore I do command, that this title being held firm and valid, it may be registered in the proper book and be delivered to the party concerned, for his safety and other purposes. Given at Monterey on the 10th of August, 1842.

To the Prefect:

I, Juan Ma. Marron, a resident of the town of San Diego, before your worship with due respect and in form of law, appear and say: that it is the period of two years ago that I have petitioned to the departmental government for the place called "Agua Hedionda" and "Batiquitas," as shown in the plat attached to the espediente; and as the prefecture under the charge of your worship is the chamesal through which all applications of petitions are to be transmitted to the government, I make the present application, to the end that your worship will please to apply to the government for my papers, that I may thus know whether they were missing, and may petition anew; for although it is some time since I have kept my cattle stock in the said place, I could build no house thereon, nor make other improvements, and for this reason I may say that I cannot have yet a sure subsistence for my family, as I stand in need of a permission to work on the said place.

Therefore, I humbly pray your worship will be pleased to provide what may be deemed fit. I swear it is not from evil intention; and that this petition may be admitted on common paper for want of the proper stamped paper.

San Juan Capistrano, July 10, de 1841.

JUAN MA. MARRON.

The following order was written on the margin of the above petition:

[L. S.] ANGELES, *July 15th*, 1841.

Let the present application be forwarded to H. E. the governor of the department, that he may be pleased, in view thereof, to direct what is expedient on the subject.

ARONELLO,
NARCISO BOTELLO, *Sec'y*.

To the Prefect of the Second District:

Citizen Juan Ma. Marron, of this place, before your worship, with all due respect, and as the law may best support him, appears and saith: That being the owner of a considerable number of cattle stock, and standing in need of a tract of land to breed them, and thus to secure a subsistence of my numerous family, I pray your worship will be pleased to grant me the place known by the name of "Agua Hedionda," now belonging to the Mission of San Luis Rey, the grant to be of three square leagues in the said place, dispensing with my presenting now the plot thereof, which I will do next time.

Therefore, I humbly pray your worship will be pleased to grant my application, wherefore I shall be grateful, and to admit it on common paper for want of the proper stamped paper. I swear, &c.

San Diego, October 5th, 183 .

JUAN MA. MARRON.

ANGELES, *Oct.* 10, 1839.

Let the justice of the port of San Diego report on the contents of this petition, and afterwards let it be transmitted to the director of the mission of San Luis Rey, that he may do the same, as far as concerns.

TAPIA,
NARCISO BOTELLO, *Sec'y.*

PORT OF SAN DIEGO, *October 27th*, 1839.

In view of the foregoing superior order of your worship to me, as town judge of this municipalty, to report on the tract of land under application, I have to state that the petitioner has all the requisites provided by the law to be attended to in his application, and the said tract is not embraced in the twenty coterminous leagues, but in the ten , mentioned in the said . The said tract pertains to the mission of San Luis. I have seen several times (they) put sheep (thereon.)

This is all I can state.

JUAN M. OSERMA.

SAN LUIS REY, *November 6th*, 1839.

In view of the preceding superior order of 10th of Oct'r, I have to state that the tract of land, known by the name of "Agua Hedionda," pertains to the mission of San Luis Rey; that it lies three leagues distant from the establishment; that the government, if deem it fit, may grant it to the petitioner, provided that the measurement to be made thereof be not in a direction towards the said mission.

PIO PICO.

The prefect of this district, upon the foregoing reports, is of opinion that the application of the party concerned can be granted, if it so

please your excellency, and on the terms mentioned by the director of the mission of San Luis Rey, Mr. Pio Pico.

Angeles, November 12th, 1839.

TIBURCIO TOPIA.
NARCISCO BOTELLO, *Sec'y.*

MONTEREY, *December 22nd*, 1839.

Let this espediente be returned to the prefect, in order to report whether the measurement marked out in the plot attached thereto, is, or not, embraced in the limits indicated by the director of San Luis Rey, in his preceding report.

ALVARADO.
MAN'L JIMENO,
Sec'y of the Department.

ANGELES, *Dec'r 29th*, 1839.

Let this espediente be forwarded to the justice of the peace of the port of San Diego, and afterwards to the director of the mission of San Luis Rey, that they may, in pursuance of the foregoing superior order, state whether the tract of land, as shown in the plat, is embraced in the three leagues mentioned by the said director.

TAPIA.
NARCISO BOTELLO, *Sec'y.*

PORT OF SAN DIEGO, *January* 5, 1840.

In pursuance of the foregoing superior decree, I understand that the place shown in the plat is not embraced in the three leagues mentioned by the director of San Luis Rey.

H. D. FITCH.

SAN LUIS REY, *January* 7, 1840.

In view of the superior order of 22nd of December, I have to state, that the tract marked out in the present plat does not embrace the three leagues towards the direction of the mission of San Luis Rey.

PIO PICO.

[*Here follows a plat.*]

To the Governor:

The investigation for which the present espediente was returned to me having been concluded, as appears from the foregoing report, I beg to transmit it to Y. E. for your knowledge and determination.

Angeles, January 13th, 1840.

TIBURCIO TOPIA.
NARCISO BOTELLO, *Sec'y.*

MONTEREY, 10*th August*, 1842.

Upon seeing the petition wherein this expediente begins the foregoing reports, and all other matters which were represented and proper to be viewed in pursuance of the law and regulation in the premises, I hereby declare Citizen Juan Maria Marron owner of right of the place known by the name of "Agua Hedionda," bounded by the valley of this name, by the sea, by the tract called "Buena Vista," and by the valley of "Los Vatiquitas."

Let a corresponding title be issued, a registry be made in the proper book, and this espediente be returned to the mt. hon'ble junta for its approval.

His excellency the governor thus did order and sign it.

I, George Fisher, secretary of the board of U. States land commissioners for ascertaining and settling private land claims in the State of California, do hereby certify that the foregoing is a true, full, and correct translation of a fac simile of a Spanish document of the purport as above set forth, purporting to be an espediente filed in case No. 411, on the docket of the said board, now in this office.

In testimony whereof I have hereunto subscribed my name, office of the secretary of said commission, San Francisco, State of California, this 20th day of October, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office, October 24, 1854.

(Signed) GEO. FISHER, *Sec'y.*

H.H, No. 1.—*Annexed to Depo. of S. Arguello.*

Sello Cuarto, Dos Reales.

Habilitado provicionalmente pr. la aduana marit'a del puerto de Monterey, en el departamento de las Californias, pa. el año de mil ochocientos cuarenta y tres.

MICHELTORENA. MANUEL CASTAÑARES.

En el pueblo de Sn. Diego, á los cinco dias del mes de Octubre, de mil ochocientos cuarenta y dos, annente a solicitud del ciudadano Juan Maria Marron, afin de que se le diere la correspondiente posecion del sitio y rancho llamado la Hagua Hedionda, consedido por el gobierno de este departamento cullo titulo acompaño á su indicada solicitud parese por mi y testigos de asistencia, al espresado sitio y procedan á dar la correspondiente posecion previa citacion de colindantes arreglandose al repetido titulo ó despacho ql. se le ha conferido pr. el s'or gobernador, con fecha le de Agosto. El ciudadano José Ant'o Gongira, juez de paz de esta jurisdicion, asi lo prover mandé y firmé, por ante los testigos de mi asistencia, con quienes actuo segun derecho, doy fée.

JOSE A. GONGIRA.

De A.: JESUS MORENO,

De A.: JOSE MARIA ALVARADO.

En los seis dias del mes de Octubre, de mil ochocientos cuarenta y dos. Yo el presente juez, pasé el aviso y citacion correspondiente á los S'res Don José Ant'o Estudillo y Dn. Lorenzo Soto, y el Señor Andræas Harosa, manifestando les el objeto á que dirijia el punto de la Hagua Hedionda pues tuvo á remedir, y poner en posecion del á Don Juan Ma. Marron, quienes no abiendo manifestado objecion ninguna les dije ql. procedia a ellas lo ql. pongo pr. diligencia ql. autoriso y firmo con los testigos de mi asistencia, segun derecho, doy fée.

JOSE A. GONGIRA.

De A.: JESUS MORRENO,
De A.: JOSE MA. ALVARADO.

En el rancho de la Hagua Hedionda, é los seis dias del mes de Octubre, de mil ochocientos cuarenta y dos. Yo el propio juez pa. la pratica de estas diligencias nombre dos officiales cordeleros llamados José Ibarro y Leandro Osuna, ql. por no saber firmar se omitieron sus numbres á quienes les ifse sober sus nombramientos el ql. aceptaron bajo de juramento ql. otorgaron ofreciendo desempeñar tielmente su encargo lo ql. autoriso y firmo, con los de mi asistencia, segun derecho, de ql., doy fée.

JOSE A. GORGIRO.

De A.: JESUS MORRENO,
De A.: JOSE MA. ALVARADO.

En el mismo dia, mes y año, estando en el parage de la laguna Hedionda, á efecto de verificar los medidas y posecion, ql. corresponde á Dn. Juan Ma. Marron, del citio nombrado la Hagua Hedionda previo todas los requisitos de ley y estando ante ni los testigos, de mi asistencia y oficiales cordeleros, hize medir un cordel ql. contenia cincuenta varas, á los estremos unos sancos de madera previa observancia y calculo por mi disposicion se tiro el cordel desde la punta del tule Cañada del Buena Vista, al oeste cuatro mil varas, ql. remataron á orillas de un chamisal cullo lugar se fijo pr. mohonera un arbol, del norte al sur onse mil varas las ql. remataron en las salinas de las Vatequitas en cuyo lugar se fijo por mohonera un manihon de mangles habiendo comparecido en este punto José Ibarra, quien asistio hai ponguedor á este rumbo el sitio de su propiedad, con esta fueron, concluidas las medidas del rancho de la Hagua Hedionda, á satisfacion del interesado al cual se ordene pusiese las respectivas mohoneras en los puntos donde corresponde y quedo entendido habiendo marcado aquellas en señal de posecion lo ql. autorizo y firmo, con los testigos de mi asistencia, segun derecho, doy fée.

JOSE A. GINGORA.

De A.: JESUS MORENO,
De A.: JOSE MARIA ALVARADO.

SAN DIEGO, *Octubre siete, de mil ochocientos* 42.

Allandose concluidas las diligencias de este espediente pertecientes al rancho de la Hagua Hedionda desele testimonio á Dn. Juan Marron,

interesado en ellas para su seguridad, y los que le convengan. El C. José Agosta Gougora, juez de paz, asi lo provei mandé, y firme, con los testigos de mi asistencia, segun derecho, doy fée.

JOSE A. GINGORA.

De A.: JESUS MORRENO.
De A.: JOSE MARIA ALVARADO.

Rahon. A los siete dias del mes de Octubre, de 1842, quedo librado al interesado el testimonio ql. se refiere con el auto anterior y para constancia, lo rubriqué.

Filed in office, Oct. 23, 1853.

GEO. FISHER, *Sec'y*.

"*D*."—*Translation of Juridical Possession.*

Stamp Fourth, Two Reales.

Provisionally authorized by the custom-house of Monterey, in Upper California, in the department of the Californias, for the year one thousand eight hundred and forty-three.

(Signed) MICHELTORENA,
(Signed) MANUEL CASTANARES.
[L. S.]

At the pueblo of San Diego, on the fifth day of the month of October, one thousand eight hundred and forty-two, in attention to the petition of citizen Juan Maria Marron, for the corresponding possession of the site and rancho called "La Agua Hedionda," granted by the governor of this department, to be given to him, the title to which he accompanies with his said petition, let me go to the said site with assisting witnesses, and let the said possession be proceeded to be given, having been previously cited the adjoining proprietors; I, the citizen José Antonio Gougora, justice of the peace of this jurisdiction, in conformity with aforesaid title or patent which the señor governor has conferred upon him, of date of the tenth of August, thus decreed, ordered and signed it, in presence of the aforesaid assisting witnesses, with whom I act according to law. I certify.

(Signed) JOSE A. GOUGORA.

Assisting witnesses:
(Signed) JESUS MORENO,
(Signed) JOSE MARIA MORADO.

On the sixth day of the month of October, one thousand eight hundred and forty-two, I, the present justice, issued the corresponding notice or citation to the Señores Don José Antonio Estudillo, Don Lorenzo Soto, and Señor Andres Ybarra, manifesting to them the object for which I was going to the point of "La Agua Hedionda;" that I was going to measure it and put Don Juan Maria Marron in possession thereof; who having made no objection whatever, I notified them that

I was going to proceed thereto, which I enter as an act, which I authorize and sign with assisting witnesses, according to law. I certify.

(Signed) JOSE A. GOUGORA.

Assisting witnesses:

(Signed) JESUS MORENO,

(Signed) JOSE MARIA MORADO.

On the rancho of "La Agua Hedionda," on the fifth day of the month of October, one thousand eight hundred and forty-two, I, the proper justice for the performance of these proceedings, appointed two cord-bearers, called José Ybarra and Leandra Osuma, whose names are omitted in consequence of not knowing how to write, to whom I notified their appointments, which they accepted under oath which they made, offering to discharge faithfully their trust; which I authorize and sign with my assisting witnesses, according to law. I certify.

(Signed) JOSE GOUGORA.

Assisting witnesses:

(Signed) JESUS MORENO,

(Signed) JOSE MARIA MORADO.

On the same day, month and year, being upon the place of "La Agua Hedionda," for the purpose of verifying the proper measurements and possession unto Don Juan Ma. Marron, of the site named "La Agua Hedionda," all the requisites of the law having been previously observed, being before me, the assisting witnesses and cord-bearers, I caused a cord to be measured the length of fifty varas, and fastened to either end thereof a wooden stake. After having taken observations and made calculations, by my direction the cord was stretched from the "Punta del Tule" along the "Cañada de Buena Vista," westwardly four thousand varas, which terminated at the edge of a chamisal, (thicket of chamizo,) at which place a tree was established as the landmark; thence from north to south eleven thousand varas, which terminated at the "Salinas de los Batiquitas," where a patch of manglos was designated as a landmark; having appeared at this point José Yorba, who there assisted in consequence of the place belonging to him, being in this direction.

The measurement of the rancho of "La Agua Hedionda" was here concluded to the satisfaction of the interested party, whom I ordered to place the proper landmarks at their corresponding points, and he understood it, having marked the above mentioned points, in sign of possession, which I authorize and sign with my assisting witnesses, according to law. I certify.

(Signed) JOSE A. GOUGORA.

Assisting witnesses:

(Signed) JESUS MORENO,

(Signed) JOSE MA. MORADO.

San Diego, October seventh, one thousand eight hundred and forty-two.—Having been concluded, the proceedings of the espediente rela-

tive to the rancho of "La Agua Hedionda," let there be delivered to Don Juan Maria Marron, the interested party therein, an authenticated copy thereof, for his security and the uses which may suit him.

Thus I, citizen José Antonio Gougora, justice of the peace, decreed, ordered, and signed with my assisting witnesses, according to law. I testify.

(Signed) JOSE A. GOUGORA.

Assisting witnesses:

(Signed) JESUS MORENO,

(Signed) JOSE MA. MORADO.

NOTE.—The authenticated copy (testimonio) which is referred to in the preceding act was issued to the interested party on the seventh day of the month of October, one thousand eight hundred and forty-two, and in testimony thereof (I rubric it.)

(Signed) (Rubric.)

I, George Fisher, secretary to the U. S. land commission to ascertain and settle private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 411, wherein Juan Ma. Marron is the claimant against the United States for the place named "Agua Hedionda," now on file in this office.

In testimony whereof, I have hereunto subscribed my name, office of the secretary of the above named commission, at the city of San Francisco, Cal., this seventeenth day of October, A. D. 1854.

(Signed) GEO. FISHER, *Sec'y.*

Filed in office, Oct. 1, 1854.

(Signed) GEO. FISHER, *Sec'y.*

Espediente.—A.

José Mathias Moreno, secretario interino del despacho de gobierno del departamento de Californias, certifico: Ql. en la secretario de mi cargo se halla un espediente marcado con el numero 295, promovido por Don Juan Maria Marron, en solicitud del parage de la Agua Hedionda, y en el al folio 1o existe un documento cuyo literal es el que copio secretaria.

Juan B. Alvarado, Gobernador Constitucional del departamento de las Californias:

Por cuanto el ciudo. Juan Maria Marron ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de Agua Hedionda colindante con la Cañada de este nombre, con el mar, con el terreno llamado de Buena Vista, y con la Cañada de los Vatequitos; practicados previam'te las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades ql. me son conferidas á nombre de la nacion

Mejicano, he venido en concederle el terreno menciando declarandole la propiedad de el por las presentes letras, sujetandose á la aprobacion de la ex'ma junta departamental y á las condiciones siguientes:

1o. Podra cercarlo sin perjudicar las travesias caminos y servidumbres lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo ql. mas le acomode pero dentro de un año fabricará casa y estara habitada.

2o. Solicitara del juez respectivo que el de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra á mas de las mohoneras algunos arboles frutales, ó silvestres de alguna utilidad.

3o. El terreno de que se hace donacion es de tres sitios de ganada mayor poco mas ó menos segun esplica el diseño ql. corre en el expediente respectivo. El juez ql. diere la posecion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion pa. los usos convenientes.

4o. Si contraviniere á estas condiciones perdera su derecho al terreno y sera denunciable por otro. En consecuencia mando ql. teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo y se entreque al interesado pa. su resguardo y demas fines.

Dado en Monterey, á diez de Agosto, de mil ochocientos cuarentá y dos.

JUAN BAUTISTA ALVARADO.
MANUEL JIMENO, *S'rio.*

Y apedimento de la parte interesada por haber justificado anti el gobierno el estravio casual de su titulo y de orden del ex'mo señor gobernador constitucional de este departamento le estando la presente certificacion ql. le servira de titulo en forma en este papel comun por falta del sellado correspondiente en la ciudad de Los Angeles, á las doce dias del mes de Junio, de mil ochocientos cuarenta y seiz.

JOSE MATHIAS MORENO,
S'rio Int'o.

Filed in office, Oct. 23d, 1852.

GEO. FISHER, *Sec'y.*

C.—Translation of Espediente.

José Mattias Moreno, secretary ad interim of government espediente of the department of California, do certify, that in the secretaryship under my charge there exists a title marked with the number 295, petitioned for by Don Juan Maria Marron, in solicitude of the place of "Agua Hedionda," and in it at folio 1st exists a document of which the following is a literal copy:

[Secretaryship. Stamp.]

Juan Bautista Alvarado, Constitutional Governor of the Department of the Californias:

Whereas the citizen Juan Maria Marron has claimed for his personal benefit, and that of his family, the place known by the name of

"Agua Hedionda," bounded by the Cañada of that name, by the sea, by the land known as Buena Vista, and by the Cañada de lo Vatequilas, he having previously taken the steps, and made the examinations respecting it; in virtue of the powers conferred upon me, in the name of the Mexican nation, I have determined to grant the land mentioned, declaring it to be his property by these presents, subject to the approval of the excellent departmental junta, and to the following conditions:

1st. He may enclose it without prejudicing the ditches, public roads, and servitudes. He shall make use of it exclusively, devoting it to the use and cultivation most convenient to him, but within a year he shall build a house and the ordinary buildings.

2d. He shall apply to the proper judge to give him juridical possession by virtue of this instrument, so that the lines be marked out within which, besides the landmarks, he shall plant fruit trees or useful forest trees.

3d. The tract which is granted contains three leagues, a little more or less, as explained in the map in the warrant. The judge who shall give possession will do so in the way laid down in the ordinance, giving the residue to the nation for convenient uses.

4th. If he should contravene these conditions he shall be deprived of his land, and will be liable to be denounced by others.

It is therefore ordered, that, holding these presents as his title, and regarding it as firm and valid, it shall be noted in the proper records, and be delivered to the party interested for his security and further ends.

Given in Monterey the tenth day of August, one thousand eight hundred and forty-two.

JUAN BAUTISTA ALVARADO.
MANUEL JIMENO, *Secretario.*

And upon the petitioning of the party interested, and having justified before the government the provisional issue of his title, and by order of his excellency, the constitutional governor of this department, there is extended to him the present certificate, that it may serve him for a formal title, upon this common paper, there being no corresponding sealed paper in the city of Los Angeles, this twelfth day of the month of June, one thousand eight hundred and forty-six.

JOSE MATTIAS MORENO, *Sec'y ad Interim.*

Filed in office, Oct. 23, 1852.
(Signed) GEO. FISHER, *Sec'y.*

Motion.

No. 411.

Before the Board of Land Commissioners for ascertaining and settling private land claims in California.

In the matter of the confirmation of the title to the rancho of "Agua Hedionda."

And now comes Felipe Osuma de Marron, widow of Juan Ma. Marron, claimant in this case, and Juan José Cayetano, José Jesus,

and Maria de la Luce Marron, children of the said Juan Ma. Marron, and show to this honorable board that since the filing of the petition in the above cause the said Juan Maria Marron has departed this life. They therefore pray that the petition on file in said cause may be amended by inserting the names of the widow and heirs instead of the name of the said Marron, and that the title may be confirmed to them as said heirs.

THO. W. SUTHERLAND,
Att'y for Claimants.

Filed in office, Oct. 17, 1854.
(Signed)

Amended Petition.

To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Your petitioners, Felipe Osuma Marron, widow of Juan Maria Marron, deceased, and José Cayetano, Juan Jesus, and Maria de la Luce, children of the said Marron, residing in the county of San Diego, and State of California, respectfully represents to your honorable board that they claim, as widow and heirs aforesaid, a certain tract of land called "Agua Hedionda," containing three square leagues, more or less, situated in the county of San Diego aforesaid; that they claim the same in fee by virtue of a grant made to Juan Maria Marron, under the authority of the Mexican government, by Juan B. Alvarado, governor of the department of Californias, bearing date the tenth day of August, one thousand and eight hundred and forty-two.

Your petitioners would further represent, that judicial possession of said tract of land was given to the said Juan Maria Marron on the seventh day of October, one thousand eight hundred and forty-two, and the boundaries thereof designated and defined, and that the said Marron has been during his life in peaceable possession; and that your petitioners now are in peaceable possession of said premises, and that they have no knowledge of any conflicting or interfering claim.

Your petitioners present herewith a certified copy of the grant of said land now on file in the papers of this cause in the Spanish language, with a translation of the same, and the certificate of juridical possession, and a copy of the expediente as found in the surveyor's office, and will make further proof of title if required by the board. Your petitioners pray your honorable board to take their claim to said tract of land, and decree their title to be valid, and confirm the same. And, as in duty bound, &c.

THOS. W. SUTHERLAND,
Att'y for petitioners.

Filed in office, Oct. 17, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Opinion by Com'r Felch.

JUAN MARIA MARRON
vs.
THE UNITED STATES.

For the place called "Agua Hedionda," in San Diego county, containing three square leagues of land.

Since the filing of this petition the death of Juan Maria Marron has occurred, and on application an order was entered reviving the case in the name of his widow and children, his heirs at law.

The necessary proofs of the death of the original claimant, and the representative character of the present claimants, are given.

A traced copy of the espediente from the archives is presented, which shows that the land was conceded to said Marron August 10th, 1842. The original grant issued to the party is not produced, but a document proved to be genuine, issued by José Mattias Moreno, secretary of the government ad interim, is presented. This document contains a certified copy of the grant from the archives, with the official certificate, that the interested party had before the government the previous issuing of the title-papers to him, and that by order of the governor "there is extended to him the present certificate that it may serve him for a formal title." The particular reason why the copy was needed by the party is not disclosed, but it seems evident that the subject of its loss or other accident to the original was investigated by the governor, and this document ordered to be issued as evidence of the title of the grantee. A testimonial of juridical possession which was given October 5, 1842, is presented in evidence, and by this it appears that the original title-paper was in the hands of the grantee at that time. There could scarcely be a mistake under the proofs in the case about the issuing of the grant, a duly certified copy of which is before us, and we shall regard the evidence of it as sufficient.

The proof shows also that the grantee occupied and cultivated the land before the grant was made, and continued so to do until his death.

The claim appears to be meritorious, and will be confirmed.

Confirmed.

Filed in office, Oct. 24, 1854.

(Signed) GEO. FISHER, *Sec'y*.

Decree.

HEIRS OF JOSE MARIA MARRON
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said widow and heirs of said José Maria Marron is valid, and it is therefore decreed, that the same be confirmed to them, their respective interests therein to be the same to which they are by law entitled in the real estate of said deceased.

The land of which confirmation is hereby made is situated in San Diego county, and known by the name of "Agua Hedionda," being the same which was occupied by said Marron in his lifetime, and bounded and described as follows:

Commencing at the Punta del Tule, and running thence along the Cañada de Buena Vista, westwardly four thousand varas, terminating at the edge of a chamisal, at a tree which was established as a landmark when juridical possession of said premises was given to said Marron in 1842; thence from north to south eleven thousand varas to the Salinas de los Batiquitas, where a patch of maryles was assigned as a landmark when said juridical possession was given; thence by the Cañada de los Batiquitas to the shore of the Pacific Ocean, and thence along said shore to the place of beginning, containing three square leagues of land, a little more or less; reference for the same, and further description thereof, to be had to the grant, and testimonial of juridical possession, and the map thereof, which are on file in the case.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Oct. 24, 1854.
(Signed) GEO. FISHER, *Sec'y.*

And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the U. S. district court for the southern district of California, and the other be transmitted to the Atty. Genl. of the U. S.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing forty-three pages, numbered from 1 to 43, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 411 on the docket of the said board, wherein Juan Maria *Maria* Marron is the claimant against the United States for the place known by the name of "Agua Hedionda."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, [L. S.] California, this twenty-fifth day of May, A. D. 1855, and of the independence of the United States of America the seventy-ninth.

(Signed) GEO. FISHER, *Sec'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify that the foregoing forty-three pages, numbered from 1 to 43, both inclusive, contain a full, true and correct copy of transcript No. 411, filed in this office, wherein Juan Ma. Marron is appellee and the United States are appellants, for "Agua Hedionda."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, this nineteenth day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

[SEAL.]

C. E. CARR, *Cl'k.*

DISTRICT COURT UNITED STATES,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES COUNTY.

JUAN MARIA MARRON, appellee, ads. THE UNITED STATES, appellants. } Docket No. 238. Transcript No. 411.

Be it remembered, that on the 6th day of June, A. D. 1855, in the district court of the United States for the southern district of California, the following proceedings were had, to wit: a duly certified transcript of the proceedings and the decision of the commission to ascertain and settle the private land claims in the State of California, when sitting as a board, in the case wherein Juan Maria Marron is the claimant against the United States, for the place named "Agua Hedionda," was received and filed, and docketed with No. 238, and is as follows, to wit:

(Vide page 1.)

LOS ANGELES, *July* 21*st*, 1855.

In case No. 238, Juan Maria Marron, for "Agua Hedionda," the following notice of appeal from U. S. attorney general was received and filed.

(Vide page 3.)

LOS ANGELES, *Oct.* 2*d*, 1855.

In same case the petition of United States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

LOS ANGELES, *Oct.* 2*d*, 1855.

In same case the answer of appellee was filed.

(Vide page 5.)

Los Angeles, *Oct. 4th*, 1855.

In same case the opinion of the court confirming the claim was delivered, and the following decree entered.

(Vide page 7.)

Los Angeles, *Oct. 18th*, 1855.

In same case the following order for appeal, on motion of P. Ord, U. S. district attorney, was filed.

(Vide page 6.)

Notice of Appeal.

Office of the Attorney General of the United States,
Washington, *June 13th*, 1855.

411.—Agua Hedionda.—Juan Maria Marron, claimant.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle the private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 16th day of March, 1855, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

Very respectfully,

C. CUSHING,
Attorney General.

Filed, July 21st, 1855.

C. E. CARR, *Cl'k.*
By A. H. CLARK, *Deputy.*

Petition for Review.

In the U. S. District Court for the southern district of California.

Heirs of Juan Ma. Marron ads. } No. 238.—Transcript No. 411.
The United States. }

To the Hon'l Isaac S. K. Ogier, Judge:

The petition of Pacificus Ord, Attorney of the United States for the southern district of California, for, and in behalf of, the U. States, respectfully represents:

That on the 23d day of October, 1852, Juan Ma. Marron petitioned the board of U. States land commissioners, claiming 3 square leagues of land called "Agua Hedionda," in San Diego county, California. That on the 17th day of October, A. D. 1854, the heirs of said Juan Ma. Marron, by their attorney, suggested the death of the said Juan Ma. Marron, in a supplemental petition filed with the secretary of said board, and thereupon said board ordered said cause to be revived and prosecuted in the name of the said heirs of Juan Ma. Marron. That on

the 24th day of October, A. D. 1854, the said commissioners confirmed the said claim. That on the 6th day of June, A. D. 1855, the said commissioners caused a transcript of their proceedings and decision in said cause to be filed in the office of the clerk of this hon'l court. That on or about the 16th day of March, A. D. 1855, Hon. C. Cushing, Attorney Gen'l of the U. States, received a certified transcript of the proceedings and decision of said board of commissioners in said cause. That thereafter, to wit, on or about the 21st day of July, A. D. 1855, the said Attorney Gen'l of the U. States filed, or caused to be filed, a notice of intention of the United States to prosecute the appeal in said cause. That the land claimed is in the southern district of California, and within the jurisdiction of this hon'l court. And the said United States denies generally the validity of the said claimant's right or title to the said land.

Wherefore, this petitioner prays, that the said decision of the said commissioners may be reviewed, reversed, and set aside, and that this hon'l court will decree the said claim or title to be invalid, and for general relief in the premises. P. ORD,

Att'y of the U. States for the south'n dis't of California.

Filed, Oct. 2nd, 1855. C. E. CARR, *Cl'k.*

Answer.

United States District Court for the southern district of California.

HEIRS OF JUAN MA. MARRON ads. THE UNITED STATES. } No. 238.—Transcript No. 411.

The respondents, for answer to the petition filed in this cause, answer and say: It is true that the land mentioned in said petition, and in said transcript of the proceedings before the said board of commissioners, lies within said southern district of California, and within the jurisdiction of this court.

But these respondents deny that their title to the said land is invalid, and aver that the same is valid, and pray that the decision of the said board of commissioners be affirmed and their title be decreed to be valid.

THOS. W. SUTHERLAND,
Att'y for Respondents.
E. O. CROSBY, *of Counsel.*

Filed, Oct'r 2d, 1855. C. E. CARR, *Cl'k.*

In the U. States District Court for the southern district of California.
Special Term, Sept. 1855.—Los Angeles.

JUAN MA. MARRON, app'ee, ads. THE UNITED STATES, app'ts. } No. 238.—Transcript No. 411.

On motion of P. Ord, attorney of the United States for the southern district of California, it is ordered by the court that an appeal be granted

the United States, to the Supreme Court of the United States, from the judgment of this court against the United States in the above entitled cause, rendered on or about the 4th day of October, A. D. 1855.

P. ORD, *U. S. Dis't Att'y.*

Filed, Oct. 18th, 1855.

C. E. CARR, *Cl'k.*
By J. W. ROSS, *Dep'y.*

UNITED STATES DISTRICT COURT,
Southern district of California.

THE UNITED STATES, appellants,
vs.
JUAN MA. MARRON, appellee.
} No. 238.—"Agua Hedionda."

This cause coming on to be heard at a special term of this court, on an appeal from the final decision of the commissioners to ascertain and settle private land claims in the State of California, under an act of Congress approved March 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded; and it appearing that said transcript has been duly filed, according to law, and counsel for the respective parties having been heard, it is ordered, adjudged and decreed, that the decision of the said commissioners be affirmed, and that the claim of the said Juan Maria Marron to the land described in the grant in this case is a good and valid claim, and the same is hereby confirmed to the extent of three square leagues, and no more: Provided that the said quantity of three square leagues be contained within the limits called for in said grant and map to which it refers; but if there be less than said named quantity within the said boundaries, then the claim of said appellee to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. Dis't Judge for the south'n dis't of Cal'a.

UNITED STATES DISTRICT COURT,
Southern district of California.

CLERK'S OFFICE, LOS ANGELES.

I, Charles E. Carr, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing seven pages, numbered from 1 to 7, both inclusive, to contain a full, true and correct transcript of the record of the proceedings and of the decision of the said court; of the documentary evidence and of testimony of witnesses upon which the same is founded, on file in this office, in case No. 238, in the docket of the said court, wherein Juan Ma. Marron is appellee and the United States are appellants, for "Agua Hedionda."

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at Los Angeles, California, this nineteenth day of January, A. D. 1856, and of the independence of the United States of America the eightieth.

[SEAL.]

C. E. CARR, *Cl'k.*